

PROJECT REPORT FOR
REDEVELOPMENT
OF

SIMLA HOUSE CHS. LTD.

51/B, NEPEAN SEA ROAD,
MALABAR HILL, MUMBAI-400006

COMPILED BY:

M/S. SUPREME ENGICONS (INDIA) PVT. LTD.

As per Liberal Translation of Revised Redevelopment Direction dated 4th July, 2019 issued u/s
79A of the MCS Act, 1960,

The feasibility report is private and strictly confidential.

The feasibility report is available for viewing to the members of the society in the society's office
and to submit suggestions before 7 days of the next meeting.

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1. INTRODUCTION

1.1 SIMLA HOUSE CHS. LTD. is located at 51/2 Nepean sea Road, Malabar Hill, Mumbai- 400006

1.2 The existing buildings are in RCC structure consisting of 6 wings namely A, B, C, D, E, & F with G + 6 upper stories. 246 numbers of flats & 83 Numbers of Garages in the society.

1.3 Society has appointed M/s. Supreme Engicons (India) Pvt. Ltd., for the Feasibility calculations for proposed Redevelopment of the society Building.

1.4 As per the documentary evidence, the buildings were constructed prior to 1972/73.

1.5 Supreme Engicons (India) Pvt. Ltd. undertake not to disclose or reveal any technical information collected during investigation or put in possession during the course of our working without the explicit written approval of the clients.

1.6 The existing members' carpet areas are as follows:

Sr. No.	Member Name	Member Name	Carpet Area
1	A-101	Hitesh Jobalia	1161 Sq.Feet
2	A-102A	P J RATHOD & ANIL P RATHOD	85 Sq.Feet
3	A-102	V V SHAH	700 Sq.Feet
4	A-103	Zakir Hussain Allarakha Qureshi	1645 Sq.Feet
5	A-104A	NAVIN V. SHAH	462 Sq.Feet
6	A-104B	ASHOK KUMAR KAPOOR	809 Sq.Feet
7	A-104C	SUBHASHI SOLANKI	560 Sq.Feet
8	A-105A	NAVIN V SHAH	700 Sq.Feet
9	A-105B	Max Traders	85 Sq.Feet
10	A-106	A Y E JAMMALLUDDIN	1161 Sq.Feet
11	A-201	Mr. Rohinton C. Malesra & Neepa R. Malesra	1160 Sq.Feet
12	A-202A	RAMESH MANDEKAR	85 Sq.Feet
13	A-202	BHAVNA J SHAH & JIGNESH A SHAH	700 Sq.Feet
14	A-203	PEERLESS GEN.FIN.& INV. CO, LTD.	1645 Sq.Feet
15	A-204	NILESH C SHAH & MRS.EKTA SHAH	1674 Sq.Feet
16	A-205A	Abdul HAFIZ SHAIKH & ALMAS KARIM	85 Sq.Feet
17	A-205	Mrs. Akshita Nirav Kothari	907 Sq.Feet
18	A-206	SAKINABEN K H CHOPRA & I NOURADINE	1161 Sq.Feet
19	A-301	Mrs. Sona Ashok Panjwani	1161 Sq.Feet
20	A-302A	RAJESH K BHULA & PARUL R BHULA	700 Sq.Feet
21	A-302B	C M,M C,N C, & D C PARMAR	85 Sq.Feet
22	A-303	NAMRATA ABHAY AGARWAL	1705 Sq.Feet
23	A-304	PRAFUL A SHAH & D P SHAH	1900 Sq.Feet
24	A-305	VARSHA NANDKUMAR MEHTA	784 Sq.Feet
25	A-306	Mrs. Jimmy K. Dalal & Mr. Ketan P. Dalal	1161 Sq.Feet
26	A-401	Ms. Krishna Kumari	1161 Sq.Feet
27	A-402	Mr. Vipul H. Kansara & Mrs. Kalpana H. Kansara	700 Sq.Feet
28	A-403	R KHIMCHAND & S R KARANI	1900 Sq.Feet
29	A-404B	DILIPKUMAR J BHATIA	1161 Sq.Feet

30	A-404C	YASMEEN KHAN & TAHIR KHAN	260 Sq.Feet
31	A-405	RIDHI R GOSALIA	1000 Sq.Feet
32	A-406	PRAMILA ASHOK LODHA	1375 Sq.Feet
33	A-501A	NAROTH R NAIR	150 Sq.Feet
34	A-501	NAROTH R NAIR	732 Sq.Feet
35	A-502	KUMARPAL POPATLAL SHAH	700 Sq.Feet
36	A-503	ARVINDMAL K LODHA	1730 Sq.Feet
37	A-504/505	RAM MULCHAND BHATIA	2665 Sq.Feet
38	A-506	GRAMOPHONE CO OF INDIA LTD	1161 Sq.Feet
39	A-601	Mrs. Purnima C. Shah & Mr. Ashish Shah	1161 Sq.Feet
40	A-602	MARSHALL RUSTOM RATAN	700 Sq.Feet
41	A-603	RATAN KUMAR MOHATTA	1850 Sq.Feet
42	A-604	M Z SIDDIQUI & NASEEM SIDDIQUI	2000 Sq.Feet
43	A-605	CHETAN N.SHAH & MRS B. D. SHAH	700 Sq.Feet
44	A-606	B R KEDIA, S R KEDIA & R KEDIA	1400 Sq.Feet
45	B-101A	Mr. Suresh N. Mehta & Mr. Niraj S. Mehta	325 Sq.Feet
46	B-101B	D J CHOKSI,S D CHOKSI & N CHOKSI	550 Sq.Feet
47	B-101C	Mehjabeen Ahmed Shaikh	216 Sq.Feet
48	B-101D	PARESH KOTHARI & MRS. DEEPA KOTHARI	600 Sq.Feet
49	B-102A	RAJESH BANSAL	85 Sq.Feet
50	B-102	CHABILCHAND BANSAL (HUF)	975 Sq.Feet
51	B-103	Sadhu Vaswani Mission Trust	1165 Sq.Feet
52	B-104	R P KHATOR	1161 Sq.Feet
53	B-105A	Mr. Shivprasad R. Khator	700 Sq.Feet
54	B-105B	ASIF HASSAN SHAIKH	85 Sq.Feet
55	B-106A	M.Saif , F. B. G. Sarwar & S. M. Nasir	470 Sq.Feet
56	B-106b	Farida B. G. Sarvar	260 Sq.Feet
57	B-106C	M NASIR M AMIR, MS F B G SARVAR	700 Sq.Feet
58	B-106D	Mrs. Rashida M. Dhorajiwala	500 Sq.Feet
59	B-201	Anju A. Azad, Naman A. Azad & Rahul A. Azad	1793 Sq.Feet

60	B-202	JITENDRA K SHAH & RAJUL J SHAH	1030 Sq.Feet
61	B-203	Mrs. Umesh V. Shah	1161 Sq.Feet
62	B-204	BRIJMOHAN S. KABRA & ABHADEVI B. KABRA	1160 Sq.Feet
63	B-205A	BHAGWANDAS R CHHABRIA	85 Sq.Feet
64	B-205	PARESH KOTHARI	900 Sq.Feet
65	B-206A	B R CHHABRIA	470 Sq.Feet
66	B-206B	Mr. Jayesh K. Parikh	360 Sq.Feet
67	B-206C	K P MANEKSHA	850 Sq.Feet
68	B-301A	RAJNI KASHYAP & RAJESH BHASIN	334 Sq.Feet
69	B-301B	ABALLABA DEVELOPERS PRIVATE LIMITED	700 Sq.Feet
70	B-301C	Mrs. Anita S. Muzumdar & Saryu D. Parekh	421 Sq.Feet
71	B-301D	NIRMALA M PADWAL	215 Sq.Feet
72	B-302A	KAMLESH M KANUNGO	85 Sq.Feet
73	B-302	RASHIDA IQBAL QADIR	975 Sq.Feet
74	B-303A	NIMISH TOLAT	140 Sq.Feet
75	B-303	NIMESH P TOLAT & NISHITA SHUKLA	1000 Sq.Feet
76	B-304	MOHAMMED PATEL & SEEMA PATEL	1160 Sq.Feet
77	B-305A	SARLA S PAREKH	85 Sq.Feet
78	B-305	KIRAN DILIPKUMAR SHAH	700 Sq.Feet
79	B-306A	Mrs. Sarla S. Parekh	710 Sq.Feet
80	B-306B	RAJNI S HANAMSHETH	500 Sq.Feet
81	B-306C	RUBY S ZAVERI & SHRI SHILESH J JHAVERI	660 Sq.Feet
82	B-401A	VRAJESH G DESAI	1500 Sq.Feet
83	B-401B	MUHBEEN R SHAIKH	735 Sq.Feet
84	B-402A	Mrs. Usha A. Mehta & Mr. Ashish A. Mehta	85 Sq.Feet
85	B-402	Mrs. Usha A. Mehta & Mr. Ashish A. Mehta	700 Sq.Feet
86	B-403	ANAND G. PURANIK	1161 Sq.Feet
87	B-404A	ADI J ENGINEER & PERVIZE A ENGINEER	738 Sq.Feet
88	B-404B	PERVIZE A ENGINEER	140 Sq.Feet
89	B-405	Mr. Gautam B. Patel	783 Sq.Feet

90	B-406A/D	NEEL A BHATIA	955 Sq.Feet
91	B-406B	K B RAMNANI	700 Sq.Feet
92	B-501	J M ,A M & M M KANSARA	1774 Sq.Feet
93	B-502	JASDEEP OBEROI	1048 Sq.Feet
94	B-503	H M PATEL	1400 Sq.Feet
95	B-504	T N MEHTA	1161 Sq.Feet
96	B-505A	CARINA FERNANDES & P FERNANDES	85 Sq.Feet
97	B-505	ASHA M SHETH & SANJAY M SHETH	700 Sq.Feet
98	B-506A	RAJAN N MISTRY&NAYANTIKA R MISTRY	1185 Sq.Feet
99	B-506B	M S MITHAIWALA & N S MITHAIWALA	690 Sq.Feet
100	B-601/602A	KALINDI R SHAH & TEJASWINI R SHAH	2340 Sq.Feet
101	B-602	POOJA VINODKUMAR KEJRIWAL	962 Sq.Feet
102	B-603	A N KHANDHAR & N A KHANDHAR	1161 Sq.Feet
103	B-604A	DAGDABAI T KALAMBE & MANGESH KALAMBE	140 Sq.Feet
104	B-604	S K SANGHANI & S S SANGHANI	738 Sq.Feet
105	B-605	Madhvi S. Samani	1000 Sq.Feet
106	B-606b	Navneet N. Kapur & Mrs. Punam N. Kapur	350 Sq.Feet
107	B-606C	NAVNEET KAPUR	850 Sq.Feet
108	C-101	BHARAT PETROLEUM CO. LTD	936 Sq.Feet
109	C-102	J G SHAH & SHOBHANA J SHAH	500 Sq.Feet
110	C-201	Mr. Lavleen Kumar Sadh	936 Sq.Feet
111	C-202	Meena Rupchandani, Deepak & Devraj Rupchandani	936 Sq.Feet
112	C-301	UTPPAL S MEHTA	936 Sq.Feet
113	C-302	BEHUL T ZAKIUDDIN & M B ZAKIUDDIN	936 Sq.Feet
114	C-401	CALIBRE CON. PVT LTD & C BHATIJA	936 Sq.Feet
115	C-402	BHARATIBEN K SHAH & K K SHAH	936 Sq.Feet
116	C-501	Dr. Mrs. Kumkum Khadalia	936 Sq.Feet
117	C-502	Radha Saluja, Kumkum & Kunal Khadalia	936 Sq.Feet
118	C-601	KULSUM USMAN ALAM KHAN	1216 Sq.Feet
119	C-602	NIRAV KUMAR SHAH	936 Sq.Feet

120	D-101A	ALMAS A KARIM & ABDUL H SHAIKH	325 Sq.Feet
121	D-101B	RAINA WALIA & MS K WALIA	600 Sq.Feet
122	D-101C	RIYAZ AHMED KHAN	500 Sq.Feet
123	D-101D	Mrs. M J REBELLO	220 Sq.Feet
124	D-102A	GABRIEL REBELLO & MARY REBELLO	85 Sq.Feet
125	D-102	Nazmunissa Umar Mia & Mrs. K. F. Peera	975 Sq.Feet
126	D-103	AMRISH DHIRAJLAL SETHNA	1161 Sq.Feet
127	D-104	KUNAL H SHAH	1161 Sq.Feet
128	D-105a	Mr. Pankajkumar Jethalal Darji	85 Sq.Feet
129	D-105	PANKAJ R SANGHVI	700 Sq.Feet
130	D-106A	CHANDRASEN KAPADIA, PRANAB, C KAPADIA	700 Sq.Feet
131	D-106B	Muntazir M. Rizvi	470 Sq.Feet
132	D-106C	BHARAT K RATHOD & RITA B RATHOD	260 Sq.Feet
133	D-106D	PRANAB C KAPADIA & MRS SEJAL P K	500 Sq.Feet
134	D-201a	Mr. Kaushik B. Rathod & Mrs. Chhaya K. Rathod	325 Sq.Feet
135	D-201B	K P SHAH	655 Sq.Feet
136	D-201C	Dr. Mrs. Induben F. Maniyar	470 Sq.Feet
137	D-201d	Mrs. Lucy Joseph Fernandes	220 Sq.Feet
138	D-202A	K K NANWANI	85 Sq.Feet
139	D-202	V R VORA & A V VORA	975 Sq.Feet
140	D-203	Mr. Pranay Gandhi, Nitin Gandhi & Asha Gandhi	1161 Sq.Feet
141	D-204	ELI E SILAS	1161 Sq.Feet
142	D-205A	Chirag Shah & Mrs. Binal Shah	85 Sq.Feet
143	D-205	LALIT H MODI	865 Sq.Feet
144	D-206A	MUHBEEN SHAIKH	500 Sq.Feet
145	D-206B	AYUB MANSOOR & MRS USHA MANSOOR	485 Sq.Feet
146	D-206C	Nawab Mir Usmanalam Sultan Khan	750 Sq.Feet
147	D-301A	VIMLA N AGARWAL	470 Sq.Feet
148	D-301b	Munira Nensey, Daulat Nensey & Salman Nensey	656 Sq.Feet
149	D-301C	Zakir Hussain Allarakha Qureshi	325 Sq.Feet

150	D-301d	Mr. Abdul Rahim Abu Miya Shaikh	215 Sq.Feet
151	D-302A	K A RABADI	85 Sq.Feet
152	D-302	S. G. Lele	975 Sq.Feet
153	D-303	Trushar N. Patel	1160 Sq.Feet
154	D-304	Mr. Gulzar Ahmed Sofia	1168 Sq.Feet
155	D-305A	Vijaya Rathod, Haresh Rathod & Bhavesh Rathod	85 Sq.Feet
156	D-305	R D RANE	925 Sq.Feet
157	D-306A	Utpal S. Mehta, Hiral U. Mehta & Rita Mehta	850 Sq.Feet
158	D-306B	Kulsum Usman Alam Khan	600 Sq.Feet
159	D-306D	RAMA B. SAMPAT	220 Sq.Feet
160	D-401A	R P MEHTA & V P MEHTA	325 Sq.Feet
161	D-401B	CHAMPAGAURI C THAKKAR	656 Sq.Feet
162	D-401C	D P JARADI	470 Sq.Feet
163	D-401D	USHA MEHTA	220 Sq.Feet
164	D-402A	JAYESH I RATHOD & URMILA J RATHOD	85 Sq.Feet
165	D-402	RUBY MALONI	975 Sq.Feet
166	D-403	KHALID MOHAMED	1160 Sq.Feet
167	D-404	Mr. Tawheed Abdul Safia	1160 Sq.Feet
168	D-405	KIRTI H MODY & VATSALA K MODY	1010 Sq.Feet
169	D-406A	D D PANTHAKY & T D PANTHAKY	850 Sq.Feet
170	D-406B	J R CHHEDA, P J ,A J & J J CHHEDA	600 Sq.Feet
171	D-406C	BIRLA CONSULTANTS LTD	220 Sq.Feet
172	D-501A/D	Mrs. Rahil Siraj Shah	840 Sq.Feet
173	D-501B	NARINDER SAWHNEY	850 Sq.Feet
174	D-502A	Bachubhai Jadhav	85 Sq.Feet
175	D-502	Mr. Vinod K. Hassija & Ms. Vinita K. Hassija	950 Sq.Feet
176	D-503	Mr. Devang J. Jhaveri	1161 Sq.Feet
177	D-504	KIRTI R DOSHI & MRS BEENA K DOSHI	1161 Sq.Feet
178	D-505A	NITIN B JADHAV	85 Sq.Feet
179	D-505	LABHUBEN J BODRA & JERAMBHAI D BODRA	925 Sq.Feet

180	D-506A	KHALID MOHAMED	1247 Sq.Feet
181	D-506B	ANAND M. KHATAU	500 Sq.Feet
182	D-601A	RUNU PATNAIK	325 Sq.Feet
183	D-601B	D J AGA	656 Sq.Feet
184	D-601C	SILLOO D. TURNER	480 Sq.Feet
185	D-601D	Nawab Mir Usmanalam Sultan Khan	220 Sq.Feet
186	D-602A	ANIL RATHOD & MRS. DAKSHA RATHOD	85 Sq.Feet
187	D-602	KHALID MOHAMED	975 Sq.Feet
188	D-603	INDIRA KAPOOR & N K NERURKAR	1161 Sq.Feet
189	D-604	Mrs. Ashwini Ashok Sood	1161 Sq.Feet
190	D-605A	SABIR MASANI	85 Sq.Feet
191	D-605	SEJAL DHIRAJLAL JARADI	854 Sq.Feet
192	D-606A	A H BHARWADA	470 Sq.Feet
193	D-606B	SADHNA J MEHTA, OJAS & JAYANTI MEHTA	460 Sq.Feet
194	D-606C	J C MEHTA & SADHANA J MEHTA	500 Sq.Feet
195	E-101	C M DAMADIA & M C DAMADIA	1161 Sq.Feet
196	E-102A	HASUMATI D. SHAH	85 Sq.Feet
197	E-102	Niki Domadia & Bhavesh M. Domadia	700 Sq.Feet
198	E-103A	DINA MITHUKUMAR SHAH, GAURAV & M	859 Sq.Feet
199	E-103B	Mitun I Mehta	1160 Sq.Feet
200	E-104A	MOHUA ROY	549 Sq.Feet
201	E-104B	PRAMILA N RATHOD & NAGIN RATHOD	260 Sq.Feet
202	E-104C	CINDRELLA REBELLO & ALDEN REBELLO	535 Sq.Feet
203	E-104D	DILIP DAS & GAURI D DAS	500 Sq.Feet
204	E-105A	Mr. Fazal H A R Qureshi	85 Sq.Feet
205	E-105	PUSHPA S RATHI & SANDESH S RATHI	700 Sq.Feet
206	E-106A	MOHAMMED NASIR SHAIKH	140 Sq.Feet
207	E-106	Sandeep J. Muzumdar	1000 Sq.Feet
208	E-201	Mr. Ashish Kantilal Bhula	1161 Sq.Feet
209	E-202	SAROJ R AGARWAL	783 Sq.Feet

210	E-203A	B. R. Chhabria, H. B. & T. H. Chhabria	1150 Sq.Feet
211	E-203b	Mrs. Lata N. Bhatia	600 Sq.Feet
212	E-203c	Mrs. Lata N. Bhatia	220 Sq.Feet
213	E-204	Mr. Kamlesh R. Khokhani	1687 Sq.Feet
214	E-205a	Mrs.Tishya H. Chhabria & Mrs. Tanya Chhatwal	900 Sq.Feet
215	E-205B	MEHUL KOTHARI & VIBHA KOTHARI	85 Sq.Feet
216	E-206	INDIRA MOHANBHAI BHUTA	1161 Sq.Feet
217	E-301	AMITA SHAH & MR. VIPUL K SHAH	1000 Sq.Feet
218	E-302A	SUCHITRA K CHOKSI	170 Sq.Feet
219	E-302	V K SHAH & AMITA V SHAH	700 Sq.Feet
220	E-303A	Mr. Brijesh J. Shah & Mrs. Indira J. Shah	775 Sq.Feet
221	E-303B	G A KIKLA, A N KIKLA & K KIKLA	450 Sq.Feet
222	E-303C	DILIP ASSANAND KIKLA	550 Sq.Feet
223	E-304	KIRIT K MEHTA ,MALTI & SACHIN MEHTA	1900 Sq.Feet
224	E-305	Ashokkumar C. Jain & Anjana A. Jain	698 Sq.Feet
225	E-306	SONAL S CHOKSI & SUBHODH C CHOKSI50	1161 Sq.Feet
226	E-401	A. N. Manwa	1161 Sq.Feet
227	E-402	VIPUL DHIRAJLAL VITHALANI	783 Sq.Feet
228	E-403A	Mr. Vipul D. Vithalani	1150 Sq.Feet
229	E-403B	ANIS A MANWA	980 Sq.Feet
230	E-404	Tushar Dharia, Ami Dharia & Bhairavi Sohni	1900 Sq.Feet
231	E-405	PARESH R MEHTA & ANITA P MEHTA	783 Sq.Feet
232	E-406	PARESH R. PANCHMATIYA & R P PANCHMA	1161 Sq.Feet
233	E-501	Jatin D. Shah & Dina D. Shah	1030 Sq.Feet
234	E-502	DHARMESH R SHAH & SHILPA D SHAH	783 Sq.Feet
235	E-503,501A,301A	SHEILA V SHARMA, V V & B V SHARMA	2229 Sq.Feet
236	E-504a	Mr. Ram Sumaya & Mahesh Sumaya (Provisional)	1400 Sq.Feet
237	E-504B	Mrs. Pavitra S. Lodha	500 Sq.Feet
238	E-505	Mrs. Prabhadevi S. Lodha	783 Sq.Feet
239	E-506	Kevin M. Shah	1161 Sq.Feet

240	E-601	NALINI I MEHTA	1161 Sq.Feet
241	E-602	Mrs. Ketki Darshan Shah	700 Sq.Feet
242	E-603A	MAFATLAL R SHAH & N M SHAH	1216 Sq.Feet
243	E-603B	K V DATTANI & S K DATTANI	824 Sq.Feet
244	E-604	Ulka Shah	1558 Sq.Feet
245	E-605	MEENA N SHAH & PREMAL N SHAH	957 Sq.Feet
246	E-606	S A SHAH & V A SHAH	1246 Sq.Feet
247	G-12	ASHA SALUJA	360 Sq.Feet
248	G-13	ASHOK R AZAD	350 Sq.Feet
249	G-14	CHRISTINE PEREIRA & E PEREIRA	350 Sq.Feet
250	G-15	P J RATHOD	150 Sq.Feet
251	G-16	NITIN C PARMAR & NAYANA N PARMAR	452 Sq.Feet
252	G-17	Seema Patel & Kulsum Patel	380 Sq.Feet
253	G- 18	ASHA SALUJA	350 Sq.Feet
254	G-19	DAGDABAI T. KALAMBE	160 Sq.Feet
255	G-1	MAHESH R. SUMAYA	300 Sq.Feet
256	G-20	Vijaya P. Rathod & Haresh P. Rathod	150 Sq.Feet
257	G-21	Vijaya P. Rathod & Bhavesh P. Rathod	150 Sq.Feet
258	G-22	J K RAJPUT & P K RAJPUT	600 Sq.Feet
259	G-23	MEHUL B. KOTHARI & V. KOTHARI	600 Sq.Feet
260	G-24	UTPPAL S MEHTA	650 Sq.Feet
261	G-25	F B G SARVAR & F B G SARVAR	225 Sq.Feet
262	G-26	UTPPAL S MEHTA	250 Sq.Feet
263	G-27	VRAJESH G DESAI	300 Sq.Feet
264	G-28	UTPPAL S MEHTA	230 Sq.Feet
265	G-29	Mr. ASHISH R. MOHATTA	230 Sq.Feet
266	G-2	GABRIEL REBELLO	110 Sq.Feet
267	G-30	Zakir Hussain Allarakha Qureshi	274 Sq.Feet
268	G-31	KALINDI R SHAH, TEJASWINI R SHAH	279 Sq.Feet
269	G-32	JATIN T RATHOD	150 Sq.Feet

270	G-33	B R KEDIA	300 Sq.Feet
271	G-34,35 & 41	RAM MULCHAND BHATIA	950 Sq.Feet
272	G-3 & 4	A H WADIA CHARITY TRUST	1000 Sq.Feet
273	G-36	KUMKUM KHADALIA	350 Sq.Feet
274	G-38	PEERLESS GENERAL FIN & INV CO LTD10	250 Sq.Feet
275	G-39	Nawab Mir Usmanalam Sultan Khan	300 Sq.Feet
276	G-40	RAM U SUMAYA	250 Sq.Feet
277	G-42	SOLI A MEHTA	212 Sq.Feet
278	G-43	F B G SARVAR & SHAHIN M NASIR	400 Sq.Feet
279	G-44	NAGINDAS P RATHOD	150 Sq.Feet
280	G-45A	RAJESH A.DHANAWALA	100 Sq.Feet
281	G-45	Mrs. Zarqua Asif Shaikh	125 Sq.Feet
282	G-46	ELI E SILAS	350 Sq.Feet
283	G-47	PRABHA J CHHEDA	273 Sq.Feet
284	G-48A	JADEJA TANUBHAI VELUBHAI	150 Sq.Feet
285	G-48	B A MORYA	300 Sq.Feet
286	G-49	KISHORE P MADHWANI	300 Sq.Feet
287	G-50	PUSHPA DEVI BAGLA	300 Sq.Feet
288	G-51	S A SAUDAGAR	300 Sq.Feet
289	G-52	ANIL J CHHEDA & JATIN J CHHEDA	350 Sq.Feet
290	G-53	I J PARMAR	150 Sq.Feet
291	G-54	YAYATI RAMESH VAIRALE	600 Sq.Feet
292	G-55	PARESH V.KOTHARI	350 Sq.Feet
293	G-56	MR. AMBRISH D. SETHNA & VIDHATRI A. SETHNA	350 Sq.Feet
294	G-57	RADHA SALUJA	600 Sq.Feet
295	G-58	Mr. Mohammed Saif Mohammed Nasir	350 Sq.Feet
296	G-59	JIMMY K DALAL	350 Sq.Feet
297	G-5	RAMA B SAMPAT & SHRI PRASHANT B SAMPAT	150 Sq.Feet
298	G-60	JIMMY K DALAL	300 Sq.Feet
299	G-61	D P JARADI & P D JARADI	350 Sq.Feet

300	G-62 & 63	Trushar N. Patel	350 Sq.Feet
301	G-64	ELI E SILAS	350 Sq.Feet
302	G-65	SHEILA V SHARMA	350 Sq.Feet
303	G-66	ALDEN REBELLO	600 Sq.Feet
304	G-67	Mr. Vipul D. Vithalani	286 Sq.Feet
305	G-68 & 69	P C SHAH	356 Sq.Feet
306	G-6	LAXMI STARCH LTD	600 Sq.Feet
307	G-70	K V DATTANI	300 Sq.Feet
308	G-71	C M PARMAR, N C & D C PARMAR	300 Sq.Feet
309	G-72	KALYAN BROS	300 Sq.Feet
310	G-73	SIMLA HOUSE JAIN SANGH	300 Sq.Feet
311	G-74	P C RATHOD & A C RATHOD	150 Sq.Feet
312	G-75	ANIL PUNJIRAM RATHOD	312 Sq.Feet
313	G-76	M Z SIDDIQUI	325 Sq.Feet
314	G-77	NASEEM SIDDIQUI	325 Sq.Feet
315	G-78	Tushar Dharia, Ami Dharia & Bhairavi Sohni	400 Sq.Feet
316	G-79	JATIN RATHOD & JAYESH RATHOD	150 Sq.Feet
317	G-7	M Z SIDDIQUI & NASEEM SIDDIQUI	340 Sq.Feet
318	G-81	Madhvi S. Samani	300 Sq.Feet
319	G-82	Mr. Neel Atmaram Bhatia	250 Sq.Feet
320	G-83	Amrutlal Chauhan, L.A. Chauhan & S. A. Chauhan	1429 Sq.Feet
321	G-8	PRATIBHADEVI A LODHA	400 Sq.Feet
322	G-9	RUPCHAND KHIMCHAND	350 Sq.Feet
323	G-SHOP NO.1A	J R CHHEDA & A J CHHEDA	150 Sq.Feet
324	G-SHOP NO.2A	JAYANTI R CHHEDA	150 Sq.Feet
325		Stairs	85 Sq.Feet

NOTE: The measurements and areas as appearing above are as per the details provided by the society.

Reference Documents

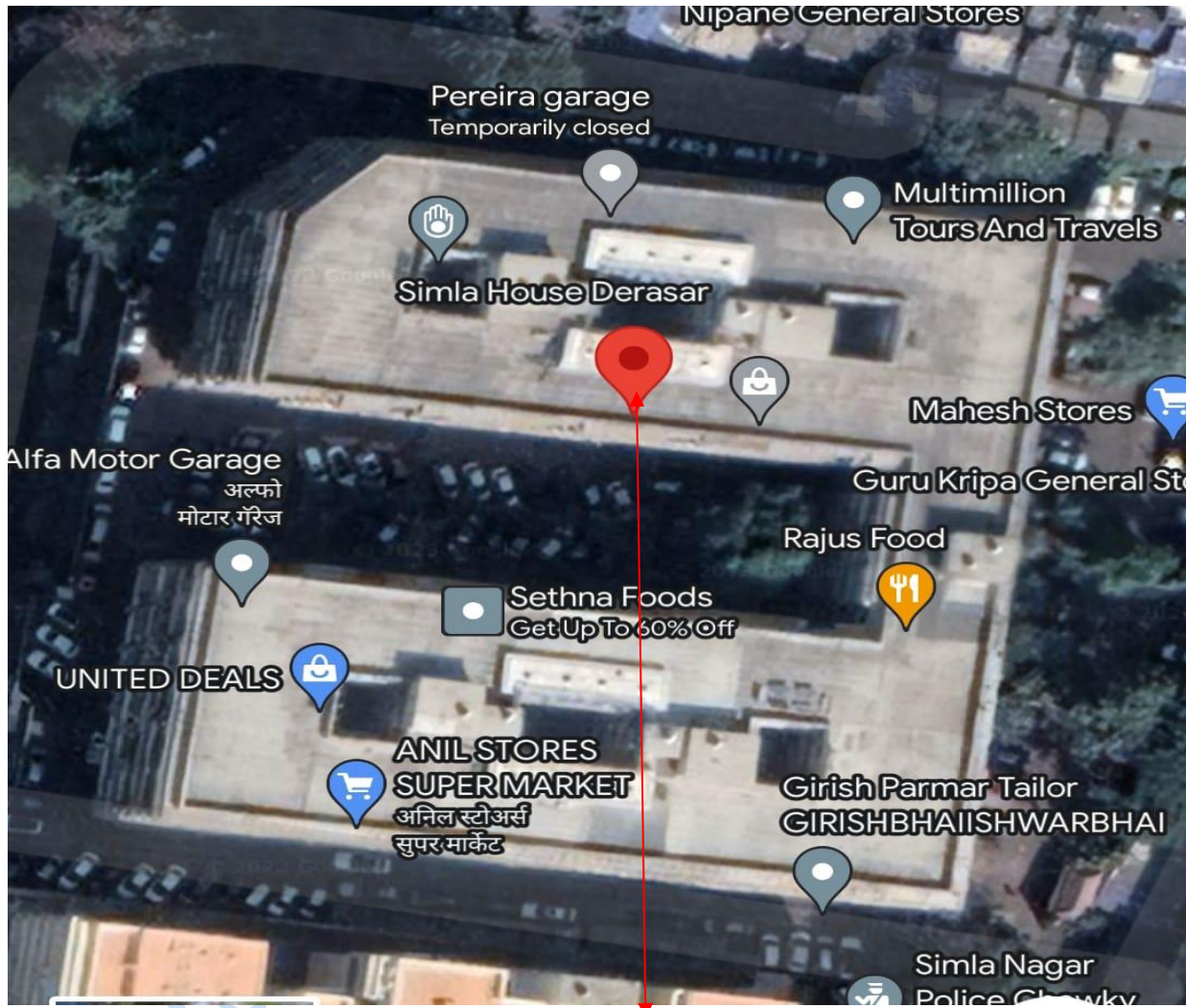
- ✓ PR Card
- ✓ DP Remarks
- ✓ Plot Survey plan (Private Survey)
- ✓ Soil Testing Report

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2. Description of plot location

- The property is situated in a well-developed Residential area, with a scope of flourishing development.
- The property is surrounded by developed residential societies.

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LOCATION OF SIMLA HOUSE CHS LTD

Supriya

3. CHALLENGES

Supreme Engicon (India) Pvt Ltd

- **SUB DIVISION OF PLOT**
- **ROAD RE-ALIGNMENT**
- **BASEMENT**
- **FUNNEL & TUNNEL**
- **MISSING PLANS**
- **DIFFERENT SIZES OF EXISTING FLAT CARPET LEADING TO PLANNING CONSTRAINT**
- **NAME OF SOCIETY ON PROPERTY CARD**

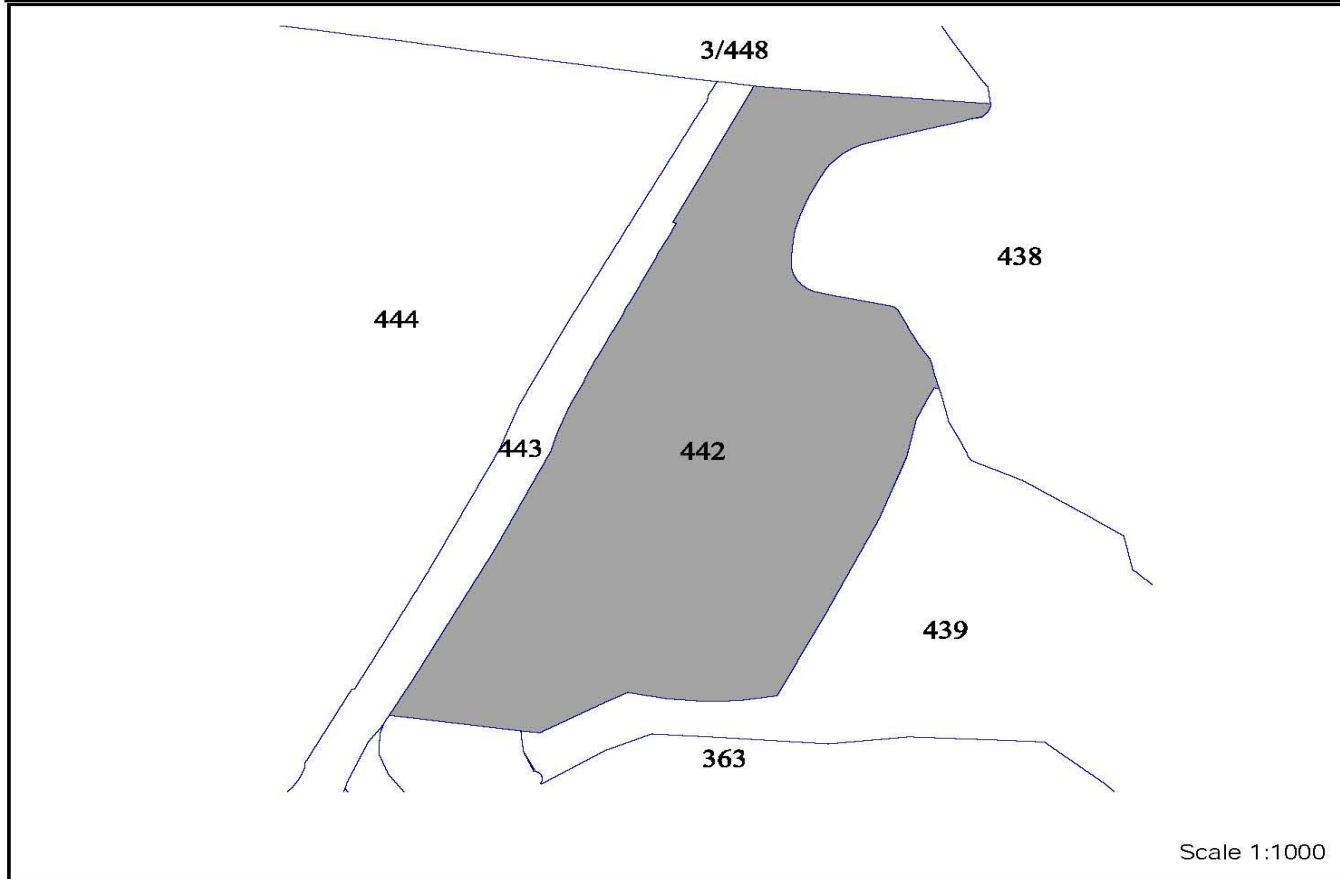
Supreme Engicons (India) Pvt Ltd

4. CTS PLAN

Supreme Engicons (India) Pvt Ltd

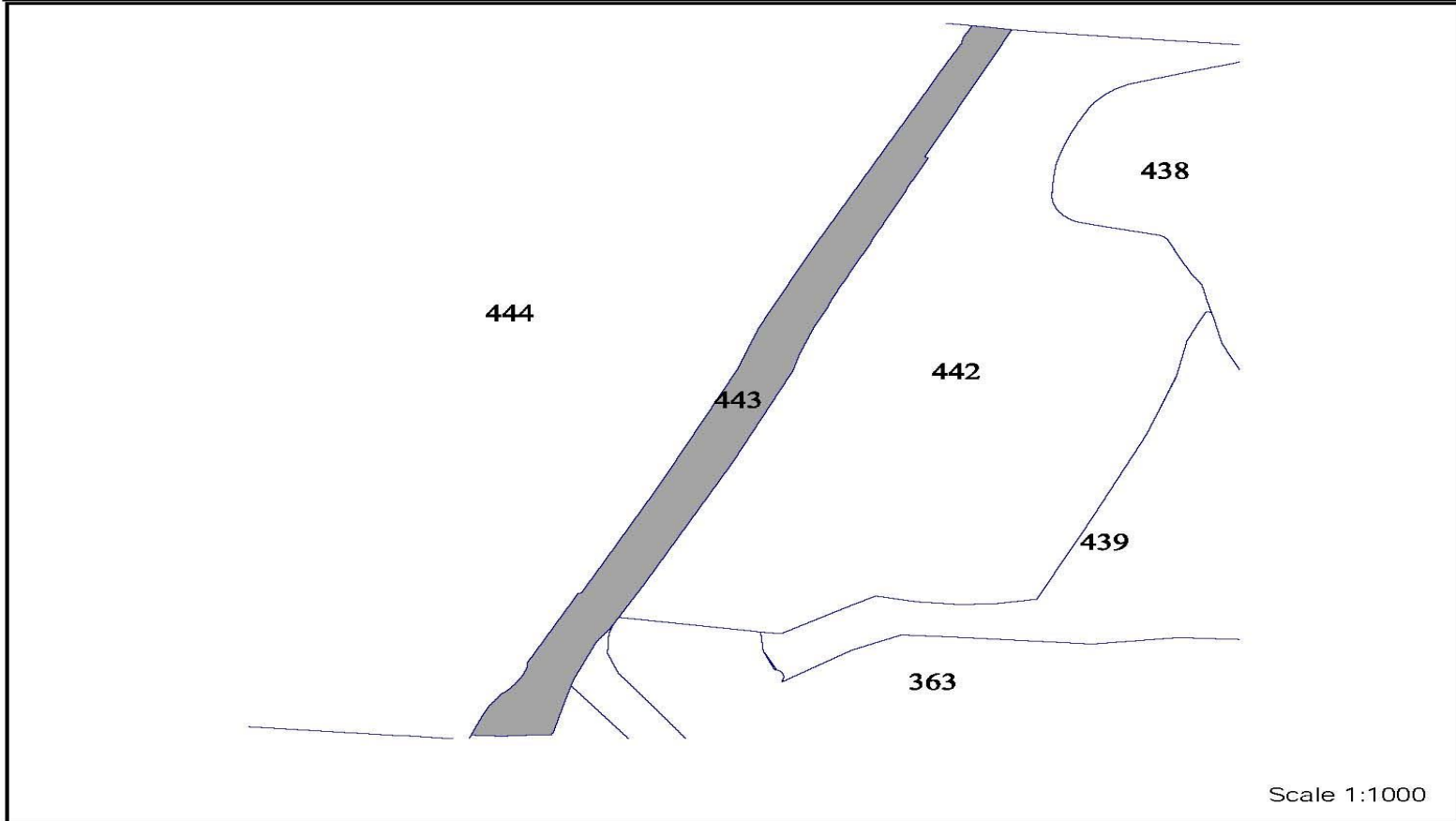
Plot Report

Urban, District : Mumbai City, CTSO : Mumbai City, Village : MALABAR-CAMBALA HILL,



Plot Report

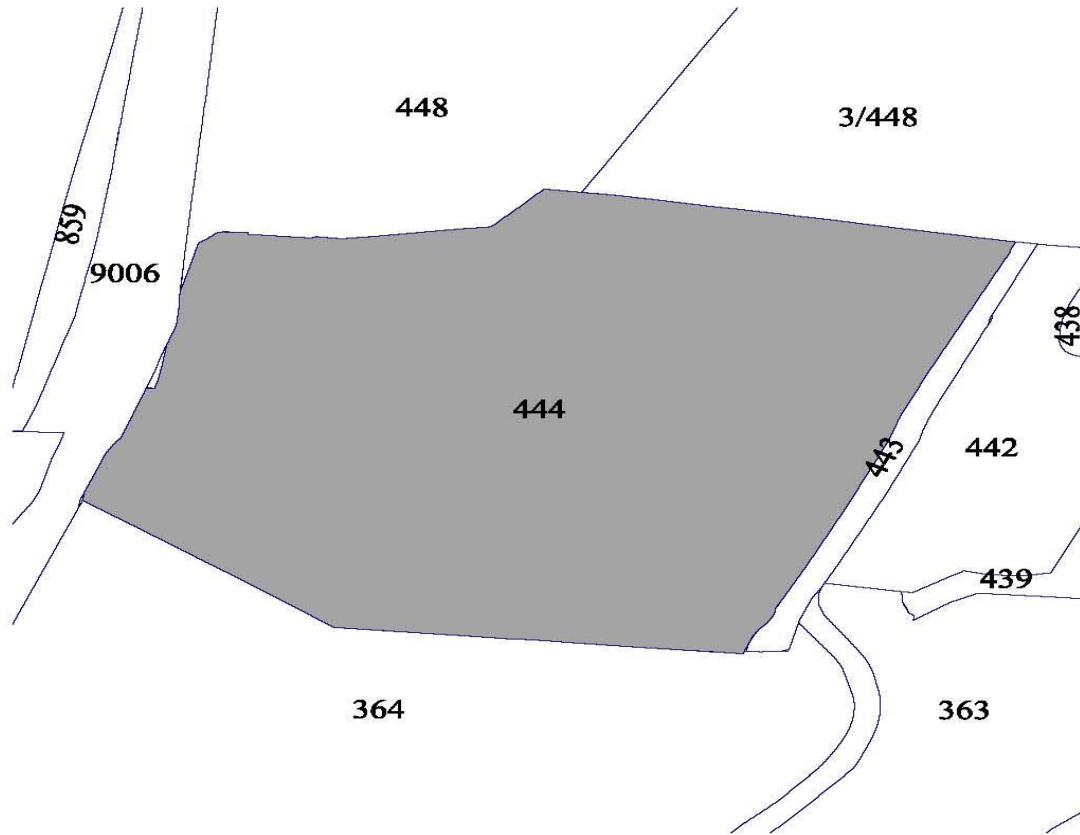
Urban, District : Mumbai City, CTSO : Mumbai City, Village : MALABAR-CAMBALA HILL,



54.

Plot Report

Urban, District : Mumbai City, CTSO : Mumbai City, Village : MALABAR-CAMBALA HILL,



Scale 1:2000

5. DP REMARKs 2034

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MUNICIPAL CORPORATION OF GREATER MUMBAI

NO. Ch. E./DP34202304111455263 D.P. Rev. dt. Refer Inward Number: D/2023/111455265 Payment Dated 04/04/2023

Office of the Chief Engineer (Development Plan)
Municipal Head Office, 5th Floor,
Annex Building, Fort,
Mumbai - 400 001

DP 2034 Remarks

To,

Mr./Mrs. ABHIJIT ARJUN SAWANT
13B, HINDUSTAN KOHINOOR IND. COMPLEX, LBS MARG, VIKHROLI (W), MUMBAI

Sub: Development Plan 2034 remarks in respect to Land Bearing C.S. No(s) 442, 443 and 444 of MALABAR HILL Division situated in D Ward, Mumbai.

Ref : Application u/no. D/2023/111455265 Payment Challan No. DP34202304111455263 Dated 04/04/2023 certifying payment of charges made under Receipt no. 1132372231 Dated 04/04/2023

Gentleman/Madam,

With reference to above, Development Plan 2034 remarks sanctioned by GoM in respect of subject land boundaries, shown in blue color boundary on the accompanied plan, are as follows.

Description	Nomenclature	Remarks
CS No.	442,443 and 444	
Division	MALABAR HILL	
Development Plan 2034 referred to Ward	D	
Zone [as shown on plan]	Residential(R)	
Sanctioned Roads affecting the Land [as shown on plan]	Existing Road	Present
	Proposed Road	NIL
	Proposed Road Widening	NIL
Sanctioned Excluded Portion: EP-D61 Sanctioned as proposed. Sanctioned vide UDD Notification u/no. TPB-4320/CR-135/2020/UD-11 dtd. 12.09.2022 and published in Maharashtra Government Gazette on 07.10.2022. EP-D19 Sanctioned as proposed. Sanctioned vide UDD Notification u/no. TPB-4321/CR-20/2021/UD-11 dtd. 12.04.2021 and published in Maharashtra Government Gazette on 16.04.2021. EP-D19 Sanctioned as proposed. Sanctioned vide UDD Notification u/no. TPB-4321/CR-20/2021/UD-11 dtd. 12.04.2021 and published in Maharashtra Government Gazette on 16.04.2021.		
Reservation affecting the Land [as shown on plan]	NO	
Reservation abutting the Land [as shown on plan]	NO	
Reservation abutting the Land [Excluded Portion]	EP NO: EP-D19	Plots - 442, 443, 444
For description of Excluded Portion/Sanctioned Modification, please refer to the published plan on MCGM portal.		

This is electronically generated report. Hence personal signature is not required.

CHE/DP34202304111455263/DP/D

Existing amenities affecting the Land [as shown on plan]	NO	
Existing amenities abutting the Land [as shown on plan]	EOS2.6(Recreation Ground),EPU5.2(Electricity Transmission & Distribution Facilities),EOS2.7(Green Belt) and EOS1.5(Garden/Park)	
Existing amenities abutting the Land [Excluded Portion]	EP NO: EP-D19	Plots - 442, 443, 444
For description of Excluded Portion/Sanctioned Modification, please refer to the published plan on MCGM portal.		
Funnel of Vision	EP NO: EP-D61	Affected Area - 442 :4225.169 sqm, 443 :808.955 sqm, 444 :21799.355 sqm
For description of Excluded Portion/Sanctioned Modification, please refer to the published plan on MCGM portal.		
Whether a listed Heritage building/ site:	Yes / No	
Whether situated in a Heritage Precinct:	Yes / No	
Whether situated in the buffer zone/Vista of a listed heritage site:	Yes / No	
Whether a listed archaeological site (ASI):	Yes / No	
Whether situated in the buffer zone/Vista of a listed archaeological site (ASI):	Yes / No	
Land affected by Coastal Regulation Zone as per CZMP approved u/no. J-170118/95-1A,III dt. 19.1.2000	The land under reference falls within the Coastal Regulation Zone (CRZ) as shown in the location plan and development thereof shall be governed as per the Government of India notification under No : SO 114(E) of 19.2.1991 as amended upto date, the HTL (High Tide Line) indicated in DP remark is subjected to confirmation of the same by MCZMA or the appropriate authority. As per sanctioned CZMP, HTL/setback lines with map scale(as shown in accompanying document for block and location plan overview) with respect to plot(s) under reference i.e. CTS/CS/FP No(s) 442,443,444, of village, MALABAR HILL, the land under reference falls under CRZ II, CRZ INNER FUNNEL Category. Therefore the development shall be governed as per the Ministry of Environment and Forest, Govt. of India, Notification No. 114(E) of 19.02.1991 as amended up to date.	
Note: The Addl. Director and Member Secretary CRZ vide letter dated 29.09.2021 addressed to Member Secretary (MCZMA) informed that MoEFCC approved CZMP for Mumbai City and Mumbai Suburban and CZMP plans are made available on the website of MCZMA in public domain. The CRZ remarks as per approved CZMP should be obtain separately from office of Chief Engineer (D.P.).		
Cone of Vision: Land under reference is situated in the Funnel of Vision as shown in scored black lines on the plan to preserve the eastern and southern view from Kamala Nehru Park. Hence, development on the under reference will be in accordance with provision of Reg.No. 45(A) of D.C.P.R. of Greater Mumbai.		
Note: The remarks are offered based on the records of CS/CTS boundaries/CS/CTS Nos available with this office. However the boundaries shown in the records of City Survey Office shall supersede those shown on the DP Remarks Plan.		
Demarcation: The Alignment of the proposed road/R.L. and boundaries of reservations and their area are subject to the actual demarcation on site by E.E.T&C./A.E.(Survey) as case may be.		
Remarks are offered only from the zoning point of view without reference to ownership and without carrying out actual site inspection and without verification of the status of the structures if any on the land under reference. Status of the existing road, if any, shall be confirmed from the concerned Ward Office.		
The DP Remarks and Plan shall be read with notification no. TPB.4317/629/CR-118/2017/UD-11 dt. 8.11.2017, TPB.4317/778/CR-267/2017/UD-11 dt. 7.2.2018, TPB.4317/629/CR-118/2017/DP/UD-11 dt 8.5.2018 & TPB.4317/629/CR-118/2017/EP/UD-11 dt.8.5.2018 before granting any development permission on the land/s. (For the Sanctioned Modification & Excluded Portion the link for notification is as under:-		
<p>Notifications: MCGM Home Page (portal.mcgm.gov.in)> Ward & Departments> Chief Engineer - Development Plan>Docs> Sanctioned DP2034 Plans:</p> <p>EP Sheets:- MCGM Home Page (portal.mcgm.gov.in)> Ward & Departments> Chief Engineer - Development Plan>Docs> Sanctioned DP2034> Development Plan 2034 (Excluded Part) EP Sheets, 8th May 2018 - For Suggestions / objections by Government</p> <p>SM Sheets:- MCGM Home Page (portal.mcgm.gov.in)> Ward & Departments> Chief Engineer - Development Plan>Docs> Sanctioned DP2034> Development Plan 2034(sanctioned part) SM sheets, 8th May 2018</p>		

Additional Information

Water pipeline Remark: Water pipeline near the plot (0.00 meters far) has 300 mm pipe diameter.
--

Water supply Tunnel Remark:

No well/borewell shall be dug on the plot as this plot is affected by Water-supply Tunnel Safety band. Similarly, Excavation/Deep foundation by way of blasting shall not be permitted on the plot prior permission shall be obtained from A.E. (D ward) for any work or deepening of existing well/borewell on the plot.

Sewerline Remark:

Sewer Manhole near the plot (Node No. 11081206, 0.00 meters far) has invert level 27.07 meters with reference to Town Hall Datum (THD).

Drainage Remark:

Drain Manhole near the plot (Node ID 2068974705, 2.78 meters far) has invert level 26.26 meters with reference to Town Hall Datum (THD).

Ground level:

The plot has minimum 28.00 meters and maximum 80.00 meters ground level with reference to Town Hall Datum (THD)

RL Remark:

REGULAR LINE REMARKS (Traffic):

Land bearing C.S. No.(s) 442,443 and 444 of Division MALABAR HILL in D ward of M.C.G.M. as shown bounded blue on accompanying plan is affected by the sanctioned Regular line of 27.45mts. i.e. (90.0' approx.) wide NEPESEA ROAD marked in red colour on the RL plan submitted by you.

REGULAR LINE REMARKS (Survey):

As far as Survey department is concerned, there is no proposed or sanctioned Regular Line/Road Line at present along the plot C.S. No.(s) 442,443 and 444 of Division MALABAR HILL in D ward of M.C.G.M. as shown bounded blue on accompanying plan.

Acc: As Plan

Note: The above information is as per the data received from concerned MCGM Departments.



6. READY RECKNOR RATE

DP Remarks 2034 x Ready Reckoner Rate Malabar Hill x +

e-stampdutyreadyreckoner.com/reckoner/2022/mumbai/mumbai-city/malabar-and-cumbala-hill

DIVISION / VILLAGE : MALABAR AND CUMBALA HILL
Commence From 1st April 2022 To 31st March 2023

Type of Area	Urban	Local Body Type	Corporation "A" Class			
Local Body Name	Municipal Corporation of Greater Mumbai					
Land Mark	Terrain: West, South, and East along Division Boundary, On the North August Kranti Marg and Pandita Ramabai Marg Part Portion Area.					
Rate of Land + Building in ₹ per sq. m. Built-Up						
Zone	Sub Zone	Land	Residential	Office	Shop	Industrial
7	7/66	334250	726180	889600	1019100	726180
435, 439, 440, 441, 442, 443, 451, 462, 463, 464, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 506, 507, 510, 511, 512, 515, 519, 541, 542, 543, 544, 545, 546, 547, 548, 551, 563, 570, 573, 583, 584, 585, 586, 588, 589, 591, 593, 600, 601, 872, 886, 887, 893, 894, 896, 897, 898, 900, 901, 904, 905, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 933, 934, 940, 941, 942						
⇌ Compare With Previous Year						

DIVISION / VILLAGE : MALABAR AND CUMBALA HILL

34°C

7. PROPERTY CARD



[Home] | [Back] | [Mumbai City Web Site]

Survey Register Of Mumbai City			
Division Name	Malbhar Cumbala Hill	Cadastral Survey No.	442
C.S.Reg No.	306	C.S.Page No.	82
Sheet No.	Name of the Street or Locality	Street No.	Tenure
211,212	NEPEAN SEA ROAD	2	P.AND TAX
Area in Sq.Meters.	Laughton Survey No.	Collectors New No.	Collectors Rent Roll No.
4197.35	9/7166	A2/3191	-
Ground Rent Due to Govt.		Grant	Due
0.0			0.0
Holders History			
(A)-HIS HIGHNESS THE MAHARAJA GAIKWAR OF BARODA			

Confirm

Supre



[Home] | [Back] | [Mumbai City Web Site]

Survey Register Of Mumbai City			
Division Name	Malbhar Cumbala Hill	Cadastral Survey No.	443
C.S.Reg No.	307	C.S.Page No.	1
Sheet No.	Name of the Street or Locality	Street No.	Tenure
211,212	-NIL-	-NIL-	-NIL-
Area in Sq.Meters.	Laughton Survey No.	Collectors New No.	Collectors Rent Roll No.
895.49	-NIL-	-NIL-	-NIL-
Ground Rent Due to Govt.		Grant	Due
0.0			0.0
Holders History			
(A)-PRIVATE PASSAGE			

Confirm

Supreme

8. BRIEF DETAIL OF DEVELOPMENT

The redevelopment of property can be carried out as per the present Development Control Promotion Regulations 2034 under 33(9).

- The development will be Residential only.
- TAX IMPLICATION:
 - i) The developer shall bear the stamp duty and Registration charges of additional area provided by the developer free of cost to the existing members.
 - ii) The rent compensation given to the existing members are considered as “Hardship Allowance” as per various Judgment of High Court and hence doesn’t attract any taxes to the existing members of the society.

9. PROJECT MANAGEMENT CONSULTANT

BRIEF NOTE ON ADVANTAGES OF APPOINTMENT OF PROJECT MANAGEMENT CONSULTANT IN PROPERTY REDEVELOPMENT BY CO-OPERATIVE HOUSING SOCIETY

As property prices are soaring any redevelopment proposal runs into Crores of Rupees. Parties involved in any redevelopment project are Society and Developer. Committee Members dealing on behalf of cooperative housing society have expertise in different fields. Members of society have to vacate their homes to enable redevelopment process therefore it is very important that the drafting of the papers/ agreement is done meticulously so that there is no chance of dispute and/or difference between parties. To draft such technical document it is very important to avail services of a professional, who can anticipate future problems and requirements.

Procedure recommended in such kind of projects is sealed tendering. Brief details and advantages of such process are given below.

- Preparation of Tender Document including Technical, Commercial and Legal conditions, detailed Specifications and offer etc.
- Advertisement in News paper
- Selling Tender documents
- Identification of agencies and evaluation of offers and Recommendation
- Guidance in Negotiation

Advantages of Tendering :

- As advertisement is given, society will get various number of offers from reputed developers.
- As offers are invited in sealed form, there is a severe competition among the bidders.
- As apart from offer all other items are same for all the bidders enabling same level playing field, which leads to easy comparison and evaluation.
- Earnest Money Deposit is taken from each and every bidder so that unwanted or non-interested parties do not bid for the work.
- Entire redevelopment proposal to be done in society's name making it safer for society in case of any problems faced by developer.
- Right to change and or remove developer stays with the society.
- As all the details pertaining to commercial terms such as Bank Guarantee, temporary accommodation, cost of additional area etc. is clearly defined and chances of ambiguity and disputes are virtually non-existent.
- Detailed technical methodology of work is laid out in the tender document under the head of technical specifications.
- Right to check amendments of plans during the progress of work is kept with the society.
- Material to be used is spelt out with brand names to avoid any confusion.
- As all the items are defined clearly the chances of getting realistic offer are there.

- Consequences of delay are defined in tender document.
- Tender is a legally binding document.

After offer is received in from the bidders the PMC scrutinizes the same by studying the financial capacity, local standing and work done by the bidder. After scrutiny the recommendations are given. One to one meeting is done with the bidder along with PMC to negotiate the offer given. After negotiation one bidder is selected for the work and Development Agreement is signed between parties.

During execution of the work the PMC through their representative will supervise the work on daily basis. This supervision will be with respect to quality of work done via tender document. Any amendments during the execution of work are permitted only after PMC's certification. PMC till completion of project carries day to day communication and or clarification on behalf of society.

Hence our recommendations / guidelines for the society are as mentioned below

- 1) Society should shift all the members outside the society's plot during entire construction period.
- 2) All the amenities, specifications & area to be given to the society members shall be finalized before plan is put up for approval. As Project Management Consultants, it will be our duty to ensure that the best amenities, specifications & area are specified and actually delivered.

- 3) Proper care will be taken to safeguard the interest of all existing society members. As Project Management Consultants, it will be our duty to ensure that your interests are safeguarded to the best possible extent.
- 4) Society shall have to adhere to the schedule of shifting to temporary accommodation and back to the newly constructed accommodation on the plot to enable the Developer to obtain further approvals / completions.
- 5) Society will get a detailed program from the PMC for completion of the Phases of the project and incorporate safety measures in the contract to ensure timely completion of phases and project. As Project Management Consultants, it will be our duty to ensure adhesion to these schedules.
- 6) In addition to the monetary benefits, the society will get parking spaces free of cost as per the current M.C.G.M. norms.

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10. SEQUENCE OF OPERATIONS

In order to implement the Redevelopment project the following sequence of operations has to be followed:

1. Preparation of draft tender documents, discussing with the committee and finalizing draft tender.
2. Inviting the tenders (Technical and Commercial) from various developers, doing the technical evaluation and preparing comparison statement and short listing few developers.
3. Conducting joint meetings with the short listed developers along with the committee members and finalizing the most suitable developers.
4. Issuing Letter of Intent based on terms negotiated with the selected Developer.
5. Listing down the requirement of each member preparing tentative drawings.
6. Completing agreement formalities between the society and developers and also between the society members and developers.
7. Obtaining I.O.D.
8. Shifting to a temporary accommodation.
9. Demolition of the building.
10. Obtaining C.C.
11. Construction of new buildings.
12. Obtaining O.C. (Occupation Certificate).

11. REAL ESTATE REGULATORY AUTHORITY (RERA)

Government of India has enacted the Real Estate (Regulation and Development) Act 2016 and all the sections of the Act shall come into force with effect from May 1 2017.

Under this Act, Government of Maharashtra established Maharashtra Real Estate Regulatory Authority (MahaRERA) vide Notification No 23 dated 8 March 2017, for regulation and promotion of real estate sector in the State of Maharashtra, with its headquarters at Mumbai.

All commercial and residential real estate projects will have to register except in projects where,

- a) Area of land proposed to be developed does not exceed five hundred square meters
- b) Number of apartments proposed to be developed does not exceed eight inclusive of all phases
- c) Promoter has received completion certificate for a real estate project prior to commencement of this Act
- d) For the purpose of renovation or repair or re-development which does not involve marketing, advertising, selling or new allotment of any apartment. Plot or building, as the case may be, under the real estate project

The Salient Features of RERA are as under:

- 1) Developer/Society shall be registered as PROMOTER
- 2) All real estate projects will have to register with RERA
- 3) The promoters shall be required to provide quarterly updates on the status of the project to the authority.
- 4) A promoter shall not accept more than 10% of the cost of the apartment, from a person without first entering into a written agreement for sale
- 5) 70% of the amounts realized for the real estate project shall be deposited in a separate account and shall be used only for that purpose
- 6) Withdrawal from such accounts shall be in proportion to the percentage of completion of the project which shall be certified by an engineer, an architect and a chartered accountant in practice
- 7) Project Accounts to be Audited / FY Copy to be submitted to MAHARERA
- 8) Details of all the Registered Projects shall be available online

12. 33(9) Reconstruction or redevelopment of Cluster(s) of Buildings under Cluster Development Scheme(s) (CDS):

For reconstruction or redevelopment of Cluster(s) of buildings under Cluster Development Scheme(s)(CDS) in the Island City of Mumbai undertaken by (a) the MHADA or the MCGM either departmentally or through any suitable agency or (b) MHADA/MCGM, jointly with land owners and/or Co-op. Housing Societies of tenants/occupiers of buildings and/or Co-op. Housing Society of hutment dwellers therein, or (c) land owners and/or Co-op. Housing Society of tenants/occupiers of buildings and/or Co-op Housing Society of hutment dwellers, independently or through a Promoter /Developer, the FSI shall be 4.00 or the FSI required for rehabilitation of existing tenants/occupiers plus incentive FSI whichever is more as per the provisions of this Regulation as follows.

- 1.1 Cluster Development Scheme (CDS) means any scheme for redevelopment of a cluster of buildings and structures over a minimum area of 4000 sq. m in the Island City of Mumbai and 6000 sq. m in the Mumbai Suburbs & Extended Suburbs, bounded by existing distinguishing physical boundaries such as roads, nallas and railway lines etc. and accessible by an existing or proposed D.P. road which is at least 18 m wide whether existing or proposed in the D.P. or URP or a road for which Sanctioned Regular line of street has been prescribed by the MCGM under MMC Act, 1888. Such cluster of buildings (hereinafter referred to as Cluster Development (CD) shall be a cluster or a group of clusters identified for urban renewal:

Provided further that HPC may consider after verifying traffic simulation study to allow CDS on a plot having access from existing minimum 12m. Wide dead end road originating from 18 m. wide public road.

[Provided further that the Commissioner may consider to allow CDS on a plot having access from existing 12.0 Mt. road, depending on availability of 18.30 M. arterial road within the vicinity of 500 M. from the Scheme.

1) Under the Cluster Development Plan (CDP) for the concerned area, to be prepared by the Commissioner, who may revise the same as and when required; or

Under the Development Plan (DP), where the DP contains such well-defined cluster

2) By the Promoter of the CDS,

Provided that no cluster or clusters shall be identified for redevelopment or implementation of CDS by the Municipal Commissioner without carrying out an Impact Assessment Study regarding the impact on the city and sector level infrastructure and amenities as well as traffic and environment of the implementation of CDS on such cluster or clusters.

Explanation:

1. The land under CDS, irrespective of the tenure of the plots comprised therein, shall be treated as one plot for the purpose of FSI and computation of marginal distances.

Amalgamation/ Subdivision of plots: On approval of CDS, any land proposed / considered under CDS on various C.S. Nos. or CTS Nos. and/or F.P.Nos. Shall be treated as natural amalgamation for the purpose of CDS. For which no separate approval for amalgamation of lands would be necessary.

Boundaries and Area of Proposed CDS shall be decided as per the approved layout and be confirmed by City Survey Officer after actual measurement of CDS on site and the same shall be adopted for planning purpose. However wherever necessary, the area may be further subdivided to earmark separate plots/Sectors for the planning purpose, handing over of Reservations, amenities, realigned roads, etc. to MCGM/ Appropriate Authority. The Plot area and the BUA in terms of sq. m of the said subdivided plots/Sectors shall be separately mentioned in the Conveyance Deed or lease deed. In case of land of different tenures, single PRC shall not be insisted. However, necessary entries about CDS shall be made in respective PRC.

In specific cases where CDS is not bounded by roads, nallas and railway lines, the boundary of the Cluster may be decided by the Municipal Commissioner.

- 1.2 The CD may consist of a mix of structures of different characteristics such as
- (i) Cessed buildings in Island City, which attract the provisions of MHAD Act, 1976.
 - (ii) (a) Buildings at least 30 years of age and acquired / reconstructed by MHADA under MHAD Act,1976.

Provided further that HPC/Municipal Commissioner may consider buildings reconstructed by MHADA having age less than 30 years on specific recommendation by MHADA.

(b) Authorized buildings at least 30 years of age

Explanation: Age of a building shall be as on the 1st of January of the year in which redevelopment proposal for CDS is submitted to the Commissioner and shall be calculated from the date of occupation certificate or where such occupation certificate is not available, from the first date of assessment as per the property tax record in respect of such building, available with the Municipal Corporation.

(iii) (a) Buildings belonging to the Central Govt, the State Govt, Semi- Govt Organizations and the MCGM, as well as institutional buildings, office buildings, tenanted municipal buildings and buildings constructed by MHADA, that are at least 30 years of age.

(b) Any land belonging to the State Govt, any semi-Govt Organization, MCGM and MHADA (either vacant or built upon) which falls within the area of the proposed CDS including that which has been given on lease or granted on the tenure of Occupant Class II.

Provided that in case of buildings or lands belonging to the Central Govt, the State Govt, Semi-Govt Organizations, MCGM or MHADA, prior consent of the concerned Department shall be obtained for including such buildings or lands in any proposal of CDS.

(iv) Other buildings which by reasons of dis-repair or because of structural/sanitary defects, are unfit for human habitation or by reasons of their bad configuration or the narrowness of streets are dangerous or

injurious to the health or safety of the inhabitants of the area, as certified by the Officer or the Agency designated for this purpose by MHADA/MCGM or Mumbai Repair & Reconstruction Board.

(v) Slum areas declared as slums under section 4 of Slum Act or slums on Public lands existing prior to 1.1.2000 or such other reference date notified by the Govt, provided such slum areas do not constitute more than 50% of the area of CD.

Explanation: If some areas are previously developed/or are in the process of development under different provisions of the DCPR, such areas can be included in the CDS only for planning purposes. However, such areas shall be excluded for calculation of FSI under this Regulation and the admissible FSI shall be calculated as per the relevant provisions of the DCPR under which such areas are developed or are being developed. However, it shall be necessary to obtain consent of owner/owners of such areas for becoming part of the CDS.

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2. Eligibility of Occupants for Rehabilitation under Cluster Development Scheme (CDS).

(A) For Buildings:

i. No new tenancy created after 13/6/96 shall be considered. Further,

Unauthorized construction made in buildings for creating new tenancy in the existing tenancies shall not be considered while doing computation of existing FSI. A certified inspection extract of the Municipal Corporation for the year 1995-96 or Court Order proving the existence of tenements prior to 13/6/96 shall be considered adequate evidence to establish the number of tenements. However, the Govt. may issue comprehensive guidelines for determination of eligibility of occupiers and tenants therein.

ii. The list of occupants and the area occupied by each of them in municipal buildings and their irrevocable written consents shall be certified by the MCGM. The list of occupants in other buildings excluding slums and the area occupied by each of them and their irrevocable written consents as specified in clause 4(a) shall be certified by the MBRRB.

iii. Notwithstanding anything contained in these regulations, mezzanine floors having clear height of 1.8 m. and above constructed prior to 13/06/1996 and regularized subsequently OR assessed by MCGM and reflected in Inspection Extract year 1995-1996 shall be eligible for rehabilitation and incentive FSI.

Provided that necessary charges for regularization of mezzanine floor shall be recovered and necessary condition to that effect shall be incorporated in IOD.

(B) For Slum Areas:

- i. All the protected Occupiers as defined in Chapter IE of Slum Act and orders issued thereunder and certified by competent authority thereof.
- ii. A structure shall mean all the dwelling areas of all persons who are enumerated as living in one numbered house in the electoral roll of the latest date, up to` 1st January 2000 or such other reference date Notified by the Govt. and regardless of the number of persons, or location of rooms or access.

3. Land pooling for the CDS:

[The Promoter of CDS shall try to pool lands belonging to various categories of land holders including Public lands by obtaining their consent for including their lands in the proposed CDS and if such user public Authority gives consent /permission, in terms of compensation in any form, then decision on such proposals be taken by the Municipal Commissioner and such proposals need not be referred to the empower committee. Otherwise any of the following method of land pulling may be resorted:

- 1) Purchase of lands, including buildings, if any, standing thereupon,

Provided that if the Promoter wishes to include any building or land belonging to the State Govt. or MCGM or MHADA or any Agency under the control of State Govt. (hereinafter collectively referred as "Public Authority"), then he shall make a written request in this regard through the Municipal Commissioner to an Empowered Committee (EC) headed by the Chief Secretary. This EC shall be as formulated by GoM.

The EC shall examine the request made by the Promoter in terms of the desirability of making the land belonging to a Public Authority available for CDS and would decide the terms of transfer of such land to the Promoter for the purpose of implementing CDS. In case the land sought by the Promoter belongs to an Authority created by or under a statute, the decision of the EC shall be subject to ratification/approval by such Authority.

- 2) Exchange of such land with a suitable land of at least equivalent value as per ASR land rates.
- 3) Procurement of DRs over such land, by way of registered document by the Promoter, provided that the area over which the Promoter holds DRs shall be regarded as one plot for all the purposes of the DCPR; or
- 4) Transfer of all lands included in the CDS to a legal entity (e.g.: Registered Society or Company, Co-operative Housing Society, Charitable Trust, etc.) to be created by the Promoter for implementing the CDS where different landholders have stakes proportionate to their share in the total land under CDS; or

5) Acquisition of lands, provided the Promoter has purchased or procured DRs Over at least 70% land comprised in the CD and there are dangerous buildings, declared as such by the Competent Authority, on the balance lands contained in the CD. In such a situation, the Promoter may approach the HPC for recommending the proposal to the Govt. for acquisition of such balance lands. Upon receipt of such request, the HPC may, after due examination, recommend to the Govt. as to which lands are required to be acquired for the purposes of CDS. The Govt., thereafter, shall take necessary steps to acquire such balance lands under the provisions of the relevant law and transfer the same to the Promoter only for the purpose of implementing CDS after executing an agreement with him in this regard, subject to the Promoter depositing with the Govt. necessary amount of money for the land acquisition. For the purpose of land acquisition, CDS shall be regarded as public purpose.

4. a) Redevelopment or Reconstruction under CDS may be permitted in pursuance of an irrevocable registered notarized written consent by eligible tenants/ occupiers of all authorized buildings not less than 51 % of each building or 60% overall of the scheme involved in the CDS Consent as aforesaid of tenants/occupiers for reconstruction or redevelopment shall not be required, if MHADA/MCGM undertakes redevelopment, on its own land, directly without any developer.

The Developer shall be required to submit along with the CDS proposal, proof of ownership or procurement of DRs in respect of at least 70% of the land under the proposed CDS (excluding Municipal Roads if maintained as existing in proposed CDS) and it shall be mandatory for him to submit such proof of ownership or procurement of development rights in respect of the balance area within one year from the date of issue of the LOI.

b) All the eligible occupants/tenants of the building(s) undergoing redevelopment shall be rehabilitated in the redeveloped building(s).

5. Conditions of Rehabilitation:

(i) Each occupant/tenant shall be rehabilitated and given on ownership basis, carpet area equivalent to the area occupied by such occupant/tenant in the old building. However, in case of residential/residential cum commercial occupants, such carpet area shall not be less than 27.88 35.00 sq. m. This shall be the “basic area”. In case of non-residential occupier, the carpet area to be given in the reconstructed building will be equivalent to the carpet area occupied in the old building.

(ii) In addition to (i) above, there shall be “additional area” for the rehabilitation of residential/residential cum commercial Occupants governed by the size of the CD in accordance with the Table-A below

Table-A

Area of the Cluster Development	Additional Area (over & above basic area)
Above 4000 Sq. Mt. and up to 5000 Sq. Mt.	10%
Above 5000 Sq. Mt. and up to 1 Ha.	15%

Above 1 ha and up to 2 ha	20%
Above 2 ha and up to 5 ha	25%
Above 5 ha up to 10 ha	30%
Above 10 ha	35%

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Provided that if the carpet area of any occupant/tenement in the old building is 100 sq. m or more then he shall be eligible for additional area only on the basis of carpet area of 100 Sq.mt.

Provided further that the rehabilitation entitlement of any occupant of a commercial establishment, who is allowed by the HPC to be rehabilitated in a residential tenement in lieu of his commercial establishment, shall also be governed by the aforesaid provisions applicable to the residential occupants in these Regulations. No occupant shall be given more carpet area than basic area + additional area, except in certain cases of planning constraints, where the Municipal Commissioner may allow marginally more area. Such additional area allowed due to planning constraints shall be deducted from the sale component without affecting the surplus area.

- a) Each eligible residential or residential cum commercial slum dweller shall be entitled to a tenement of carpet area of 27.88 sq. m (300 Sq.ft.) and
- b) Existing or max 20.90 Sq.mt whichever is less or more in case of non- residential.
- c) For purpose of existing "Carpet area"/ rehabilitation "carpet area" means the net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from floor space index computation as per then/prevailing Regulation but including the areas of balcony if allowed free of FSI as per then Regulation

6. Total Permissible FSI for CDS:

a) The total permissible FSI for an CDS shall be 4.00 on gross plot area, but excluding the reservations/ existing amenity, road set back, area under existing Municipal Roads but including the BUA under reservation/existing amenity, road set back or sum total of the Rehabilitation FSI + Incentive FSI, whichever is more.

Provided that the aforesaid FSI shall be exclusive of the Fungible Compensatory area admissible under the provision of DCR 31(3).

b) The incentive FSI admissible against the FSI required for rehabilitation shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR), in Rs/sq. m., of the lands included in the URC; as per the ASR and

Rate of Construction (RC)* in Rs/sq. m, applicable to the area as per the ASR and shall be given as per the Table-B below:

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Table-B

Basic Ratio (LR/RC)	Incentive (As % of Admissible Rehabilitation Area)			
	For 0.4ha up to 1 ha	More than 1 ha up to 5 ha	More than 5 ha up to 10 ha.	For more than 10 ha
Above 6.00	85%	90%	95%	100%
Above 4.00 and up to 6.00	95%	100%	105%	110%
Above 2.00 and up to 4.00	105%	110%	115%	120%
up to 2.00	115%	120%	125%	130%

Explanation: -

(i) *RC is rate of construction in respect of RCC Construction and Land Rate (LR) is the rate of Open Land for FSI 1. Provided further that in case there is more than one land rate applicable to different parts of the plot under the CDS, a weighted average of all the applicable rates shall be taken for calculating the Average Land Rate and the Basic Ratio.

Provided further that for calculation of the Basic Ratio, the Land Rate (LR) and the Rate of Construction (RC) shall be taken for the year in which the Cluster Development Project is approved and LOI is issued by the Authority competent to approve it and the said ratio shall remain unchanged even if such Scheme undergoes any revision or modification subsequently during its course of completion.

Provided further that if any new area is allowed to be added to or deleted from the CDS after such Scheme has been approved and if there is change in the slab prescribed above, the incentive FSI for the total area of the revised Scheme shall be determined as per the new slab. Provided further that any new area being added to a CDS shall not be less than 75% of the minimum area required for CDS.

Provided further that augmentation of area of CD shall not be allowed after further CC has been issued in respect of more than 75% of the total permissible BUA sanctioned under the original Scheme and there shall be no revision of individual areas as a result of such amalgamation of area. However, deletion of area from a sanctioned scheme will be permissible, provided the construction of rehabilitation component has not commenced and such deletion does not break the contiguity of the area under CDS.

c) If the total of rehabilitation FSI + incentive FSI is less than 4.00, then the Balance FSI over and above total of "rehabilitation FSI + incentive FSI" as per (b) above up to the limit of 4.00 shall be shared in terms of BUA between MHADA and the Promoter/Developer in accordance with Table- C below:

Table-C

Basic Ratio (LR / RC)*	Sharing of Balance FSI	
	Promoter/Developer Share	MHADA Share
Above 6.00	30%	70%
Above 4.00 and up to 6.00	35%	65%
Above 2.00 and up to 4.00	40%	60%
Up to 2.00	45%	55%

Provided that at the option of or with the approval of MHADA, the tenements coming to the share of MHADA can also be provided by the Promoter/Developer elsewhere within the same or adjoining Municipal Ward as per the following formula:

Area of tenements coming to MHADA's share at location 'B' in CDS = Area of tenements coming to MHADA's share at location 'A' in CDS X land rate as per ASR value of location 'A' / land rate as per ASR value of location 'B'

Where location 'A' refers to the location where tenements coming to MHADA's share under the Scheme are required to be given.

Location 'B' is the new location where such tenements are allowed to be given.

Provided further that the tenements so received by MHADA under its share shall first be offered free of cost to the MCGM and MMRDA for use as PAP tenements or as transit accommodation. If the MCGM and MMRDA do not require such tenements for PAP's or as transit accommodation, then the tenements received under its share shall be used by MHADA for PAPs or Transit Accommodation or shall be sold as AH with prior permission of the Govt.

d) "Tolerated structures" encroaching upon roads in nearby vicinity shall be allowed to be included in the CDS and its BUA shall be included in rehabilitation area, provided such structures are permanently removed.

Explanation: The term "tolerated structure" means structure used for residential or non-residential purpose and existing prior to 17th April 1964 or 1st April 1962 respectively or date as decided by Govt.

e) It shall be permissible to implement the sanctioned CDS in phases provided the area of CD is more than 8000 sq. m in Island City and 12000 sq. m. in Suburbs and Extended Suburbs and the development in each phase is strictly in conformity with the Master Plan/Layout Plan approved for the entire CDS.

Subject to the master plan for the whole cluster being followed, phase wise implementation of CDS may be allowed, with pro rata utilization of the total admissible FSI.

Provided further that, while giving permission for phased implementation of the CDS, the time frame for implementation of each phase shall also be given.

The minimum area for each phase shall be 4000 sq. m. in Island City and 6000 sq. m. in Suburbs and Extended Suburbs.

Provided further that, while giving permission for phased implementation of CDS, the incentive FSI as per Table-B shall be first released as per the area of the plot under a given phase and the balance incentive FSI shall be released while giving approval to the last phase.

7. From the total FSI available under Clause 6, entire FSI towards rehabilitation component and MHADA's share shall have to be utilized on plot/plots under the Scheme. In case a part of incentive FSI is not proposed to be utilized on the same plot, the benefit of TDR as per Regulation No 32 shall be given. However, the quantum of TDR shall be governed by the following formula.

Incentive FSI at location 'B' in CDS

= Incentive FSI at location 'A' in CDS X ASR value of Land at location 'A' / ASR value of Land at location 'B'

Where, location 'A' refers to the location where incentive FSI in CDS is generated.

Location 'B' is the new location where such incentive FSI is to be utilized.

13. Income Tax implications of Redevelopment

I] Additional Area expected at Redevelopment

Liability of Income/Capital Gain Tax, if any, on:-

A. Additional area in the hands of individual members.

Ans. As per Section 54 of the Income Tax Act, 1961, if any residential property which was held for a period of more than 3 years is sold or given for redevelopment and the new flat is purchased or acquired within a period of 1 year before or 2 years after the sale or 1 constructed within 3 years after the sale then capital gain arising on the transfer of the old flat will be exempt to tax u/s. 54 of the Income Tax Act, 1961 to the extent of the cost of such new flat.

In the case of redevelopment, the new flat to be acquired is treated as constructed for the purpose of the Section 54. Thus, if the new flat is acquired by the owner within a period of 3 years from the surrender of the original flat then the capital gain arising from the sale of the original flat can be claimed to be exempted u/s. 54 of the Income Tax Act.

If the new flat is not acquired by the owner within a period of 3 years then the Assessing Officer at his discretion can disallow the same at any time during the assessment.

However, allotment of a flat or a house by a cooperative society, of which the assessee is the member, is also treated as construction of the house [Circular No. 672, dated 16-12-1993]. Further, in these cases, the assessee shall be entitled to claim exemption in respect of capital gains even though the construction is not completed within the statutory time limit. [Sashi Varma v CIT (1997) 224 ITR 106 (MP)]. Delhi High Court has applied the same analogy where the assessee made substantial payment within the prescribed time and thus acquired substantial domain

over the property, although the builder failed to hand over the possession within the stipulated period. [CIT v R.C. Sood (2000) 108 Taxman 227 (Del)].

Hence, relying upon the above judgments, even if in the case of development, the new flat is acquired by the owner after a period of 3 years from the surrender of the old flat, an assessee can claim exemption u/s. 54.

If the new flat acquired to claim exemption u/s. 54 is sold within a period of three years from the date of purchase then the capital gain exemption claimed earlier would become taxable in the year the new flat is transferred.

Thus, in your case, the Receipt of extra carpet area over and above the existing area could be claimed as exemption u/s. 54 of the Income Tax Act, 1961.

Further, we would like to state that under the definition of "Transfer" according to Sec 2(47) Income Tax Act, 1961, transfer, in relation to a capital asset, includes sale, exchange, or relinquishment of the asset or the extinguishment of any rights therein or the compulsory acquisition thereof under any law.

An exchange involves the transfer of property by one person to another and reciprocally the transfer of property by that other to the first person. There must be a mutual transfer of ownership of one thing for the ownership of another. Hence, the 2 acquisition of new flat would be considered as exchange and would be considered as transfer for the purpose of capital gain.

Argument could not be made that no cost is incurred by any member for the acquisition of the new flat and hence capital gain cannot be computed and the case does not fall within the ambit of Section 55(2). The member is forgoing his rights in the old flat. And hence, it would be considered as the cost of acquisition of the new flat.

However, if the residential flat is held for a period of less than 3 years than the receipt of extra area by the individual members would be taxable in the hands of the individual members.

B. Compensation received upon surrender of entitled additional area, in part or in full, by an individual member.

Ans. If the Individual member is surrendering a part of the existing area then the Individual member would be liable to pay Capital Gain Tax. The sale consideration would be calculated as per Section 50C of the Income Tax Act, which is as follows:

“Where the consideration received or accruing as a result of the transfer by an assessee of a capital asset, being land or building or both, is less than the value adopted or assessed or assessable by any authority of a State Government for the purpose of payment of stamp duty in respect of such transfer, the value so adopted or assessed or assessable shall, for the purposes of section 48, be deemed to be the full value of the consideration received or accruing as a result of such transfer.”

However, if the Individual member is surrendering a part of the additional area then the Individual member would not be liable to pay any income tax or capital gain tax on the same.

C. The Society for receiving amenities and facilities for the common use of its members and their families.

Ans. If the Society is receiving for amenities and facilities for the common use of its members and their families then the same is not taxable in the hands of the Society or the Individual members as there is no cost of acquisition of the same.

In deciding the case of JETHALAL D.MEHTA V. DY. CIT [(2005) 2 SOT 422 (MUM.)], Hon. Income Tax Appellate Tribunal mainly relied upon Supreme Court decision in the case of CIT V. B.C.SRINVASA SHETTY 128 ITR 294 in which it was decided that if there is no cost no capital gain can be worked out hence amount received is to be treated as exempt receipt.

II] Corpus Money expected at Redevelopment

Liability of Income/Capital Gain Tax, if any, on:-

A. Corpus Money received by the individual members from the Developer in lieu of surrender of part entitlement of FSI/Development rights.

Ans. If the Individual member is receiving an area which is same or more than the present area then the Individual member is not liable to pay capital gain tax on the same. If however, Individual member is receiving an area which is less than the present area than the Individual member is liable to pay Capital Gain Tax as per Section 50C of the Income Tax Act, 1961 as already explained above.

B. Corpus Money received by the Society from the Developer in lieu of surrender of part entitlement of FSI/Development Rights, such funds being invested by the Society to earn interest income to meet/subsidize the maintenance costs of its Redeveloped premises and property.

Ans. If at the time of Redevelopment, the Society was in not in possession of unutilized FSI/Development Rights, then the Society would not be liable to pay any Capital Gain Tax on the receipt of the Corpus Money on surrender of a part of FSI/Development Rights.

Further, if the Society has unutilized FSI/Development Rights in its possession at the time of Redevelopment, then the receipt of the Corpus Money on surrender of the part of FSI/Development Rights would be taxable in the hands of the Society.

Also, in the case of (1) New Shailaja CHS v. ITO (ITA NO. 512/M/2007. BENCH B dated 2nd Dec, 2008 (mum.) and (2) ITO v. LOTIA COURT CO- OP. HSG. SOC. LTD. (2008) 12 DTR (MUMBAI) (TRIB) 396 it was held that where the assessee, a Co-op.Hsg. Soc. Ltd. became entitled, by the virtue of Development Control Regulations, to Transferable development Rights (TDR) and the same was sold by it for a price to a builder, the question arose whether the

transaction of sale receipt could be taxed. It was held that though the TDR was a Capital Asset, there being no 'cost of acquisition' for the same, the consideration could not be taxed. The same is held in the cases of NEW SHAILAJA CHS LIMITED (ITA NO. 512/MUM./2007), OM SHANTI CO-OP. HSG. SOC. LTD. (ITA NO.2550/MUM./2008) & LOTIA COURT CO-OP. HSG. SOC. LTD. (ITA NO. 5096/MUM./2008).

Further, in the case of MAHESHWAR PRAKASH 2 CHS LTD. 24 SOT 366 (MUM.), it was held that the assessee-society acquired the right to construct the additional floors by virtue of DCR, 1991 which could not be available to the assessee on expenditure of money. Prior to DCR, 1991, no society had any right to construct the additional floors, so it was not a tradable commodity. Suddenly by virtue of DCR, 1991, the right was conferred by the Government on the assessee. Such right exclusively belonged to the building owned by the society. It could not be transferred to any other building.

Similarly, similar right belonging to other societies could not be purchased by the assessee for the purpose of constructing additional floors in its own building. Therefore, such right had no inherent quality of being available on expenditure of money and, therefore, cost of such asset could not be envisaged. Hence, the said view was fully justified in terms of the decision of the Apex Court in the case of B.C. Shrinivasa Shetty.

Therefore, the right acquired by the assessee did not fall within the ambit of section 45 itself. The amended provisions of section 55(2) were also not applicable, since such right was not covered by any of the assets specified in section 55(2)(a).

Therefore, the sum of Rs. 42 lakhs received by the assessee from the developer was not chargeable to tax under section 45. Therefore, the impugned orders passed by the lower authorities were to be set aside.

C. Corpus Money received by the Society from the Developer (as described in B above) and subsequently distributed to its members. Whether such incomes enlisted above at A, B and C, if taxable, shall be treated as Capital Gains or deemed to be income earned in the year of receipt.

Ans. As per Maharashtra Co-op. Societies Act, 1960, a Co-operative Society cannot distribute the corpus funds to its Individual member, it can only declare dividends. However, the declaring of Dividends has lots of restrictions and formalities.

D. Liability of Income Tax, if any, on interest income arising from investment of such Corpus Money by the Society/individual members in the Co-operative/other Banks.

Ans. If the Society receives interest income from a Co-operative bank then the same is exempt from tax. And, if the interest income is received from other banks than the same is taxable and the Society has to pay tax on the same.

However, as per recent Hon'ble Tribunal Judgment in the case of ITO v. Sagar Sanjog C.H.S. Ltd., ITA Nos. 1972 to 1974 and 2231 to 2233/ Mum./ 2005(BCAJ) it was held that the interest income earned out of the fund money invested went to reduce the maintenance. According to the tribunal, the interest would have been taxable, had there been surplus left after it being adjusted against the maintenance expenses.

The tribunal also noted that there was nothing on record to suggest that the interest income would be given to members on dissolution of the Society.

Thus, even the interest income received from other than Co-operative Bank and spent on Society's work then the concept of Mutuality will apply and is not liable to tax but this view is not free from litigation.

III] Rent for Temporary Alternative Accommodation including Deposits, if any:

Rental allowance may be received by individual members in the event of need for Relocation during Redevelopment. Such amounts may be utilized in part or in full towards rent paid for alternative premises or may

remain entirely unspent if the member already has his/her own alternative accommodation. Such allowance may be received for about three years, either together in one tranche in advance or in installments on a staggered basis.

Liability of Income Tax, if any, on such Rental Allowance, including Deposits, if any, received by the individual members.

A. Whether such income, if taxable, shall be treated as income earned in the year of receipt (if received on a staggered basis) or entirely as income in one year (if received fully in advance)

Ans. In order to get the old building redeveloped, the existing structure of the old building is required to be demolished and hence, it is necessary to vacant the same. To facilitate redevelopment and to compensate the flat owners for the hardship to be faced by them in this regard, the Developer might offer them Rent compensation which they would be paying for the temporary accommodation during the period of redevelopment.

The Rent Compensation so provided by the developer to the owner should be expended by the owners for the purpose of their temporary accommodation and other expenditure related thereto.

If the actual rent paid by the flat owners is less than the Rent compensation received by them from the redeveloper then the excess of such amount received will be taxable under the head Income from Other Sources, otherwise, the Rent compensation received by the flat owners from the redeveloper is not taxable.

The Rent Compensation given to the Individual Members shall be taxable in the year of receipt if the Rent Compensation is received on staggered basis and the whole is not spend by the Individual Members on their alternative accommodation.

However, if the Rent Compensation is given to the Individual Members in one tranche in advance, then the Rent Compensation received by the Individual Members would be taxable on proportionate basis if the same is not spend on the Alternative Accommodation.

IV] Hardship Allowance/ Compensation for Inconvenience.

Members opting not to be temporarily relocated during the Redevelopment may receive “Hardship Allowance” from the Developer.

Members agreeing to be temporarily relocated during Redevelopment may receive “Compensation for Inconvenience” from the Developer.

A. Liability of Income Tax, if any, on such Allowance/ Compensation and if taxable, mode of computation i.e. whether as income in the year of receipt or whether on a staggered basis as received.

Ans. Along with extra area and Rent compensation, the redevelopers also offer lumpsum amount to the flat owners in addition to extra area and compensation. The transfer of TDR to Builder for development of property does not attract Capital Gain Tax.

In deciding the case of JETHALAL D.MEHTA V. DY. CIT [(2005) 2 SOT 422 (MUM.), Hon. Income Tax Appellate Tribunal mainly relied upon Supreme Court decision in the case of CIT V. B.C.SRINVASA SHETTY 128 ITR 294 in which it was decided that if there is no cost no capital gain can be worked out hence amount received is to be treated as exempt receipt.

Hence, the Hardship Allowance and the Compensation for Inconvenience is not taxable in the Hands of the Individual Members as Hardship Allowance and Compensation for Inconvenience can't be worked out in monetary

terms and have no cost. Since there is no cost of acquisition, as per Income Tax Act, 1961, the receipt would not be treated as a Capital Receipt and thus, is exempt from tax.

V] Goods/ Household Amenities received by Members from Developer.

A. Liability of Income Tax, if any, on individual members for any property other than immovable property that are sometimes included by Developers in the new premises on a complimentary basis.

Ans. Property other than immovable property which are not attached to the walls of the flat and exceeds 50,000/- in value in totality are not treated as a part of the Flat and are thus taxable in the hands of the Individual Members in the year of receipt of such amenities u/s. 56(2)(vii) of the Income Tax Act, 1961, if property is covered under section, which is as follows:

“where an individual or a Hindu undivided family receives, in any previous year, from any person or persons on or after the 1st day of October, 2009,--

(a) any sum of money, without consideration, the aggregate value of which exceeds fifty thousand rupees, the whole of the aggregate value of such sum;

(b) any immoveable property,-

(i) without consideration, the stamp duty value of which exceeds fifty thousand rupees, the stamp duty value of such property;

14. BENEFITS OF REDEVELOPMENT

If the Redevelopment proposal is implemented then the following advantages in terms of Common Amenities could be derived by the society:-

CONSIDERATIONS AS BENEFITS FOR THE SOCIETY:-

1. Each Residential Member can expect Approx. 55% Additional carpet area over & above their existing carpet area subject to full FSI consumption.
2. Each Existing Society Member will get corpus fund of Rs.3500 /- psf on existing carpet area
3. Each member shall be provided with compensation for the temporary accommodation during the course of construction such as monthly rent, brokerage, 10% increment in rent after 11 months, etc.
4. A bank guarantee shall be insisted from the developers of an amount equivalent to cost of construction of present area of the existing members.
5. Car parking space will be provided to each member as per MCGM norms.

OTHER BENEFITS OF REDEVELOPMENT

If the Redevelopment proposal is implemented then the following advantages could be derived by the society:-

1. The newly constructed buildings will be Earthquake resistant as well will be designed to take care the wind load. Hence more durable against the natural calamity.
2. New buildings will be planned to suit the modern living style.
3. New buildings will be constructed with modern Elevation features to give beautiful attractive and sober look which will indirectly amount to the price appreciation of the whole property.
4. New buildings will be constructed with beautiful entrances.
5. Latest and modern amenities will be provided in the newly constructed building.
6. New buildings will be constructed keeping in mind the latest IS quality standards and hence will not require maintenance or major repairs for next 20 years or so.
7. Lift facilities will be available.
8. Well designed and constructed access roads will be provided.
9. Land scaping development to suit the requirement of all age groups of people that is Children Park for the kids, jogging tracks for middle aged persons and silent zones for the older age people will be provided in the Plot thereby improving the living standards of the members.
10. Club, sport room, swimming pool and other recreational facility could be provided.

If the Redevelopment proposal is implemented then the following advantages could be derived by the society:-

- ❖ Society`s Office
- ❖ Grand driveway
- ❖ Double-height grand entrance lobby
- ❖ High speed elevators (Noise free)
- ❖ Stretcher elevators
- ❖ Party hall
- ❖ Jogging track
- ❖ Children`s play area
- ❖ Indoor games room
- ❖ Library
- ❖ Creche
- ❖ Gymnasium
- ❖ Yoga room
- ❖ Aerobics
- ❖ Mini theatre
- ❖ Billiards / Pool

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- ❖ Table tennis
- ❖ Rooftop lounge
- ❖ Yoga zone
- ❖ Meditation zone
- ❖ Rooftop jogging track
- ❖ Sky gym
- ❖ Reflexology pathway
- ❖ Senior citizens zone
- ❖ Parking
- ❖ Gardens
- ❖ Landscaped areas
- ❖ Jain Temple

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Swimming Pool



Entrance Lobby



Gymnasium



Supre

Lounge Area



15. AREA CALCULATION: 33 (9)

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	FSI Working		
1	Plot Area	9908.14	SqM
3	Balance Plot Area	9908.14	SqM
4	Amenity open Space as per Reg. 14(A)	490.81	SqM
5	Permissible FSI on Sr. No.3	4.00	
6	Permissible Built-up Area	39632.56	SqM
7	Balance Permissible Built-up Area	39632.56	SqM
	Permissibility of Existing Tenents		
8	No. Of Residential Tenents	246.00	Nos
9	Total Permissible Carpet Area	19155.00	SqM
10	Addln Area @ 15%	22028.25	SqM
11	Total Built-up Area	25332.49	SqM
12	Add 35% Fungible FSI	8866.37	SqM
13	Total BUA including Fungible Area	34198.86	SqM
14	Total Carpet Area of members	29738.14	SqM
	Incentive FSI as per Table - B of Clause - 6		
15	Land Rate As per ASR	334250.00	Rs/SqM
16	Rate of Construction As per ASR	30250.00	Rs/SqM

17	Ratio LR / RC	11.05	SqM
18	Permissible Incentive FSI	21532.61	SqM
19	Total Of Rehabilitation FSI + Incentive FSI	46865.10	SqM
20	Balance FSI available for Sharing (Table - C)	-7232.54	SqM
21	Developer Share @ 30%	0.00	SqM
22	Mhada Share @ 70%	0.00	SqM
23	Total Area available For Developer	21532.61	SqM
24	BUA	24762.51	
25	Add 35% Fungible FSI	8666.88	SqM
26	Total BUA including Fungible Area	33429.38	SqM
27	Total Carpet Area for Sale	29069.03	SqM

16. EXPENSES OF THE PROJECT: 33 (9)

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	Assumptions			
1	Land Rate with increment for year 2023-24	334250.00	Rs/SqM	
2	Construction Area of super-structure	1091925.59	SqFt	
3	No. of Parkings for Existing Tenents	246	Nos	
4	No. of Parkings for Sale Component	417	Nos	
5	10% visitor's parking	66	Nos	
6	Total No. of Parkings	729	Nos	
7	Construction Area of Podium @ 35 SqM / Parking	274756.48	SqFt	
	Financial Feasibility			
1	Construction Cost of super-structure	709.75	Cr	Rs. 6,500/- per SqFt on Construction Area
2	Construction Cost of Podium	68.69	Cr	Rs. 2,500/- per SqFt on Construction Area
3	18% GST on construction cost	140.12	Cr	
4	Fungible Premium	144.85	Cr	50% of R R Rate x Area
5	Development Charges for Land	3.15	Cr	1% of R R Rate x Land Area
6	Development Charges for Built-up Area	63.84	Cr	4% of R R Rate x Total Built-up Area

7	Development Cess	40.40	Cr	4% of R R Rate x Total Built-up Area excluding zonal FSI
8	Labour Cess	19.11	Cr	1% of R R Rate x Total Built-up Area
9	Staircase / Lift / Lobby premium	55.87	Cr	25% of R R Rate x 20% of Total Built-up Area
10	Miscellaneous Approvals	17.15	Cr	Rs. 3,000/- per SqM x Total Built-up Area
11	LUC premium	110.54	Cr	1.63 % of total bua * 3 years
12	Open Space Deficiency	4.78	Cr	2.5% of R R Rate x 10% of Total Built-up Area
13	Rent	136.72	Cr	175/- psf on existing carpet area - 194761 with 10% increase
14	Brokerage	11.39	Cr	3 months avg rent
15	Shifting Charges	2.46	Cr	Rs.1 lac per member To & Fro
16	Corpus	68.17	Cr	Rs.3500/- psf on existing carper area - 194761
17	Consultant's Fees	68.33	Cr	Rs. 500/- per SqFt on Construction Area
18	Sales and Marketing	140.80	Cr	5% of Sales Revenue
19	18% GST on Sales/Marketing & Consultancy	37.64	Cr	
20	HR and Admin	23.35	Cr	3% of Construction cost

21	Registration of DA	50.00	Cr	
22	PMC Fees	15.57	Cr	2% of Construction cost
23	GST @ 18%	2.80	Cr	
24	DP & UD expenses for alingment of Road	35.00	Cr	
25	MCGM (OPE)	31.29	Cr	Rs. 1000/- per SqFt on Sale FSI
26	Contingencies	60.05	Cr	3% of Project Cost
27	Interest cost	270.00	Cr	18% for 2 yrs on 750 cr
28	Total Project Cost	2331.82	Cr	

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17. RETURNS OF THE PROJECT: 33 (9)

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1	Sale Built-up Area	29069.03	SqM	
	In SQ.FT	312899.03	SqFt	
2	Rera Carpet Residential @ 100%	312899.03	SqFt	
3	Residential Revenue	2816.09	Cr	Rs 90,000/- per SqFt on Rera Carpet Area
4	Total Revenue	2816.09	Cr	
	Surplus	443.27	Cr	
	ROI	0.19		
	Note :			
1	We have not considered the areas of Garages of approx. area of 26518 sqft in the above feasibility			
2	Since we have height restriction, consumption of Full FSI is a big challenge. If we get additional height so that we can even achieve 1,00,000/= as average sale rate.			
3	Re-alignment of Road has to be done			

18. FINAL SUMMATION:

- Due to the recent M.C.G.M. circulars, there have been many additions to the costs of the development like the fungible F.S.I., the open space deficiency premium, staircase & passage area counted in fungible F.S.I. etc., which in turn is eating away the member's benefit.
- Recently there is an announcement in 50% reduction on certain premiums which we have not incorporated in the current feasibility report.
- The D.C.P.R. 2034 which continued the concept of fungible F.S.I., has benefitted the members by increasing their carpet areas.
- Hence, we have calculated the feasibility including the fungible F.S.I., and the premium applicable for the same so that the members understand the implications of the revision in the D.C. rules.